

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA :  
 :  
 :  
 v. : File No. 2:13 CR 131  
 :  
 HEATHER BROWN :  
 :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed October 14, 2016. (Doc. 47.) After de novo review and absent objection, the Report and Recommendation is **AFFIRMED, APPROVED and ADOPTED**. See 28 U.S.C. §636(b)(1). Heather Brown's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 (Doc. 43) is **DENIED**.

Pursuant to Fed. R. App. P. 22(b), the Court **DENIES** petitioner a certificate of appealability ("COA") because the petitioner failed to make a substantial showing of a denial of a constitutional right. See 28 U.S.C. 2253(c)(2). The Court rejects the petition on its merits because Brown has failed to demonstrate that reasonable jurists would find the Court's "assessment of the constitutional claims debatable or wrong." See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith

because such an appeal would be frivolous. See 28 U.S.C. §1915(a).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 3rd day of November, 2016.

/s/ William K. Sessions III  
William K. Sessions III  
U.S. District Court Judge